

RESOLUTION NO. 20050623-040

WHEREAS, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of certain real property interests as stated hereinafter for the purposes hereinafter stated; and

WHEREAS, the City of Austin has attempted to purchase said real property interests and has been unable to agree with the owner of the real property interests on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file or cause to be filed a suit in eminent domain on behalf of the City of Austin against the owner now having or who may acquire an interest in the real property interests needed by the City, to acquire certain real property interests at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or its successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions; said real property interests to be acquired are described in Exhibits "A," "B," and "C" which are attached hereto and made a part hereof for all purposes.

The City Attorney or other authorized designee shall file eminent domain proceedings for:

Owner: The Villas on Walnut Creek

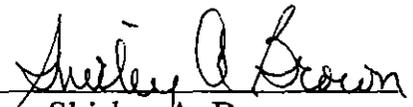
Project: Little Walnut/Buttermilk - Colony Creek North Project, a portion of the Austin Clean Water Program

Intended Purpose: permanent wastewater line easement, to upgrade and improve wastewater lines, to prevent leakage of wastewater lines, and to comply with a federal mandate; and two temporary working space easements which are necessary to install wastewater lines.

Location: South side of West Rundburg Lane, Austin, Texas, and see attached field notes.

ADOPTED: June 23, 2005

ATTEST: _____


Shirley A. Brown
City Clerk

Villas On Walnut Creek Association
to
City of Austin
(Wastewater Easement)
Lot 15, Block A and Lot 15 Block B,
The Villas on Walnut Creek

FIELD NOTES FOR PARCEL 5010.02WE

LEGAL DESCRIPTION OF A 3845 SQUARE FOOT TRACT OR PARCEL OF LAND OUT OF THE GEORGE DAVIS SURVEY NO. 15 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 15, BLOCK B, THE VILLAS ON WALNUT CREEK, A SUBDIVISION IN THE CITY OF AUSTIN ACCORDING TO THE MAP OR PLAT OF RECORD FOUND IN VOLUME 82 AT PAGE 190, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, WHICH LOT 15, BLOCK B WAS CONVEYED TO VILLAS ON WALNUT CREEK ASSOCIATION BY SPECIAL WARRANTY DEED DATED OCTOBER 29, 1991, OF RECORD IN VOLUME 11556 AT PAGE 606 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 3845 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a ½" iron rod found on the west line of a 7.50 foot wide public utility easement as shown on the plat or map of said The Villas On Walnut Creek for the northwest corner of said Lot 15, Block B, said point being on the east line of Lot 2 of Rundberg Terrace, a subdivision in the City of Austin according to the map or plat of record found in Volume 83 at Page 195B, of the Plat Records of Travis County, Texas, which Lot 2 was conveyed to Metal Optics Inc. by Warranty Deed dated August 25, 1993, of record in Volume 12007 at Page 1196 of the Real Property Records of Travis County, Texas;

THENCE with west line of said Lot 15, Block B, the west line of said 7.50 foot wide public utility easement, and the east line of said Lot 2, S27°47'29"W a distance of 67.72 feet to a calculated point, having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10108808.79, E=3120763.74, for the northeast corner and POINT OF BEGINNING hereof;

THENCE crossing said Lot 15, Block B, the following two (2) courses:

1. in part crossing said 7.50 foot public utility easement S64°02'30"E, passing the intersection of the east line of said 7.50 foot public utility easement and the south line of a 10 foot wide sanitary sewer easement as dedicated to the City of Austin by instrument found recorded in Volume 3037 at Page 1252 of the Deed Records of Travis County, Texas, at a distance of approximately 7.50 feet and passing the north line of said 10 foot sanitary sewer easement at a distance of approximately 85.02 feet, in all for a total distance of 123.92 feet to a calculated point on the south line of a 7.50 foot wide electric and telephone easement as shown on the plat or map of said The Villas On Walnut Creek for an angle point hereof;
2. with the south line of said 7.50 foot wide electric and telephone easement, S56°37'38"E a distance of 170.14 feet to a calculated point on the east line of said Lot 15, Block B, same being the west line of Lot 15, Block A of said The Villas On Walnut Creek, for the northwest corner hereof;

THENCE with the east line of said Lot 15, Block B and the west line of said Lot 15, Block A, S27°47'29"W, passing the north line of said 10 foot sanitary sewer easement at a distance of approximately 5.04 feet, in all for a total distance of 11.50 feet to a calculated point for the southeast corner hereof;

THENCE crossing said Lot 15, Block B, the following two (2) courses:

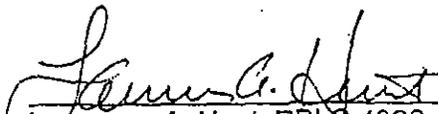
1. crossing said 10 foot sanitary sewer easement, N56°35'54"W a distance of 142.40 feet to a calculated point for an angle point hereof, and
2. in part crossing said 10 foot sanitary sewer easement, N64°02'30"W, passing the south line of said 10 foot sanitary sewer easement at a distance of approximately 28.27 feet and passing the east line of said 7.50 foot public utility easement at a distance of approximately 144.05 feet, in all for a total distance of 144.54 feet to a calculated point on the south line of said Lot 15, Block B and the north line of Lot 2, Metric Square, a subdivision in the City of Austin according to the map or plat of record found in Volume 87 at Page 128D, of the Plat Records of Travis County, Texas, which Lot 2 was conveyed to the City of Austin by Special Warranty Deed dated April 24, 2001, of record in Document Number 2001062307 of the Official Public Records of Travis County, Texas;

THENCE with the south line of said Lot 15, Block B, the south line of said 7.50 foot public utility easement, and the north line of said Lot 2, Metric Square, N56°37'47"W a distance of 7.04 feet to a calculated point for southwest corner of said Lot 15, Block B, the southwest corner of said 7.50 foot public utility easement, the southeast corner of said Lot 2, Rundberg Terrace, and the southwest corner hereof;

THENCE leaving the north line of said Lot 2, Metric Square, with the west line of said Lot 15, Block B, the west line of said 7.50 public utility easement, and the east line of said Lot 2, Rundberg Terrace, N27°47'29"E a distance of 14.10 feet to the POINT OF BEGINNING, containing 3845 square feet of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings (Texas Central Zone, NAD83(CORS), Combined Scale Factor 0.999924726). Project Reference Control Points are a 60d nail and a MAG nail set in Northgate Boulevard and having grid coordinates of N = 10108733.440, E = 3122007.046 and N = 10108192.523, E = 3121723.713. These points were established from and referenced to "Austin RRP" having coordinate values N = 10086515.853, E = 3109682.537 and "CB21" having coordinate values N = 10086964.040, E = 3129366.160.


Lawrence A. Hunt, RPLS 4328
Sunland Engineering Co.
1907 North Lamar, Suite 220
Austin, Texas 78705
512-494-0208



April 10, 2003

REFERENCES
TCAD#02-4411-0113
AUSTIN GRID K-31

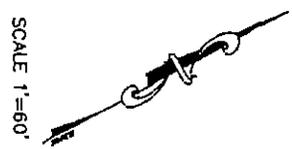
FIELD NOTES REVIEWED
By: *Paul Sam* Date: 5-21-03
Austin Clean Water Program
Survey Coordinator

SKETCH TO ACCOMPANY DESCRIPTION

GEORGE DAVIS SURVEY NO. 15

TITLE ISSUES:
 SANITARY SEWER EASEMENT, ITEM 10B, LISTED IN
 CHICAGO TITLE INSURANCE COMPANY, TITLE
 COMMITMENT NUMBER GF00030990, DATED APRIL 23,
 2003, DOES NOT EFFECT THIS EASEMENT.

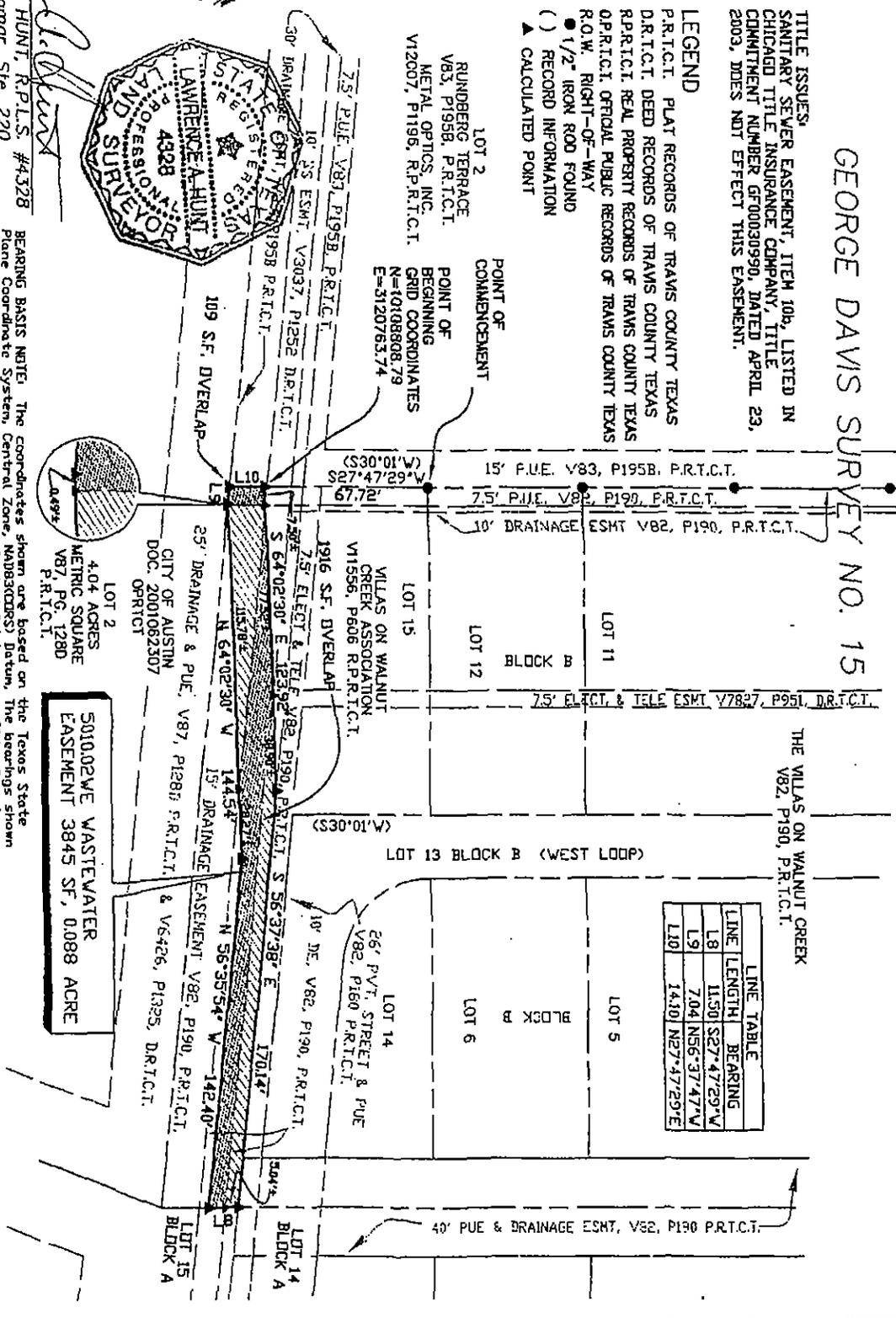
LEGEND
 P.R.I.C.T. PLAT RECORDS OF TRAVIS COUNTY TEXAS
 D.R.I.C.T. DEED RECORDS OF TRAVIS COUNTY TEXAS
 R.P.R.I.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS
 O.P.R.I.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS
 R.O.W. RIGHT-OF-WAY
 ● 1/2" IRON ROD FOUND
 () RECORD INFORMATION
 ▲ CALCULATED POINT



Lawrence A. Hunt
 LAWRENCE A. HUNT, R.P.L.S. #4328
 1907 North Lamar, Ste. 220
 Austin, Texas 78705
 DATE: APRIL 10, 2003.
 JOB NO.: 2002088-1
 BY: L. Hunt
 REV:

BEARING BASIS NOTE: The coordinates shown are based on the Texas State Plane Coordinate System, Central Zone, NAD83(2011) datum. The bearings shown are grid bearings. Project Reference Control Points are a grid point and a HAD nail set in Northgate Boulevard and having grid coordinates of N = 10108733.440, E = 312207.046 and N = 10108192.223, E = 312172.713. These points were established from and referenced to Austin RRP. Having coordinate values N = 10086515.853, E = 3109682.337 and "CB21" having coordinate values N = 10086515.400, E = 3129366.150. Combined Scale Factor = 0.999924726. All distances shown are surface distances.

PAGE 4 OF 4



LINE	LENGTH	BEARING
L8	11.50	S27°47'29" W
L9	7.04	N56°37'47" W
L10	14.10	N27°47'29" E

UNLAND ENGINEERING COMPANY
 6041 DENTON ROAD, SUITE 100, DENTON, TEXAS 76205
 E-MAIL: info@unland-eng.com

Villas On Walnut Creek Association
to
City of Austin
(Temporary Working Space Easement)
Lot 15, Block A and Lot 15 Block B,
The Villas on Walnut Creek

FIELD NOTES FOR PARCEL 5010.02TWSE

LEGAL DESCRIPTION OF A 4906 SQUARE FOOT TRACT OR PARCEL OF LAND OUT OF THE GEORGE DAVIS SURVEY NO. 15 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 15, BLOCK A, AND A PORTION OF LOT 15, BLOCK B, THE VILLAS ON WALNUT CREEK, A SUBDIVISION IN THE CITY OF AUSTIN ACCORDING TO THE MAP OR PLAT OF RECORD FOUND IN VOLUME 82 AT PAGE 190, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, WHICH LOT 15, BLOCK A AND LOT 15, BLOCK B WERE CONVEYED TO VILLAS ON WALNUT CREEK ASSOCIATION BY SPECIAL WARRANTY DEED DATED OCTOBER 29, 1991, OF RECORD IN VOLUME 11556 AT PAGE 606 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 4906 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a ½" iron rod found for the northeast corner of said Lot 15, Block A said point being on the west line of Lot 18 of Northgate Terrace, Section One, a subdivision in the City of Austin according to the map or plat of record found in Volume 49 at Page 65, of the Plat Records of Travis County, Texas, which Lot 18 was conveyed to Housing Authority of the City of Austin by Warranty Deed dated March 27, 1979, of record in Volume 6509 at Page 282 of the Deed Records of Travis County, Texas;

THENCE with east line of said Lot 15, Block A, and the west line of said Lot 18, S27°37'32"W a distance of 35.44 feet to a calculated point, having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10108508.85, E=3121268.31, for the northeast corner and POINT OF BEGINNING hereof;

THENCE continuing with east line of said Lot 15 and the west line of said Lot 18, S27°37'32"W a distance of 11.04 feet to a calculated point on the north line of a 60 foot wide drainage and public utility easement dedicated by the map or plat of Northgate Terrace, Section Two, a subdivision in the City of Austin, of record found in Volume 66 at Page 19 of the Plat Records of Travis County, Texas, and shown on the plat or map of said The Villas On Walnut Creek, for the southeast corner hereof;

THENCE crossing said Lot 15, Block A, and Lot 15, Block B, the following two (2) courses:

1. with the north line of said 60 foot wide drainage and public utility easement, N56°37'38"W a distance of 464.64 feet to a calculated point for the west corner hereof, and
2. leaving the north line of said 60 foot wide drainage and public utility easement, N64°02'30"W a distance of 123.92 feet to a calculated point on the west line of said Lot 15, Block B, same being a point on the east line of Lot 2, of Rundberg Terrace, a subdivision in

the City of Austin, of record found in Volume 83 at Page 195B of the Plat Records of Travis County, Texas, for the southwest corner hereof,

THENCE with the west line of said Lot 15, Block B and the east line of said Lot 2, N27°47'29"E a distance of 7.50 feet to a calculated point for the northwest corner hereof;

THENCE crossing said Lot 15, Block B, S64°02'30"E a distance of 133.57 feet to a point on the east line of said Lot 15, Block B and the west line of Lot 13, Block B, same being the west line of a 26 foot wide private street and public utility easement according to the map or plat of said The Villas On Walnut Creek;

THENCE with the east line of said Lot 15, Block B and the west line of said Lot 13, Block B, S27°47'29"W a distance of 1.24 feet to a calculated point for an interior ell corner hereof, said point being the southwest corner of said Lot 13, Block B;

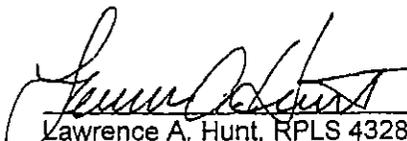
THENCE with the north line of said Lot 15, Block B, the north line of said Lot 15 Block A, the south line of said Lot 13, Block B, and the south line of said Lot 14, Block A, S56°37'47"E a distance of 320.75 feet to a calculated point for an interior ell corner hereof, same being the southeast corner of Lot 14, of said Block A, said Lot 14 Block A also being a 26 foot wide private street and public utility easement according to the map or plat of said The Villas On Walnut Creek;

THENCE with the west line of said Lot 15, Block A and the east line of said Lot 14, Block A, N27°37'32"E a distance of 3.84 feet to a calculated point for an angel point hereof;

Thence crossing said Lot 15, Block A, S56°28'59"E a distance of 134.21 feet to the POINT OF BEGINNING, containing 4906 square feet of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings (Texas Central Zone, NAD83(CORS), Combined Scale Factor 0.999924726). Project Reference Control Points are a 60d nail and a MAG nail set in Northgate Boulevard and having grid coordinates of N = 10108733.440, E = 3122007.046 and N = 10108192.523, E = 3121723.713. These points were established from and referenced to "Austin RRP" having coordinate values N = 10086515.853, E = 3109682.537 and "CB21" having coordinate values N = 10086964.040, E = 3129366.160.


Lawrence A. Hunt, RPLS 4328
Sunland Engineering Co.
1907 North Lamar, Suite 220
Austin, Texas 78705
512-494-0208



FINAL
FIELD NOTES REVIEWED
By:  Date: 5-12-03
Austin Clean Water Program
Survey Coordinator

April 10, 2003

REFERENCES
TCAD#02-4411-0113
AUSTIN GRID K-31

EXHIBIT "B"
Page 2 of 4

Villas On Walnut Creek Association
to
City of Austin
(Temporary Working Space Easement)
Lot 15 Block B,
The Villas on Walnut Creek

FIELD NOTES FOR PARCEL 5010.02TWSE

LEGAL DESCRIPTION OF A 4003 SQUARE FOOT TRACT OR PARCEL OF LAND OUT OF THE GEORGE DAVIS SURVEY NO. 15 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 15, BLOCK B, THE VILLAS ON WALNUT CREEK, A SUBDIVISION IN THE CITY OF AUSTIN ACCORDING TO THE MAP OR PLAT OF RECORD FOUND IN VOLUME 82 AT PAGE 190, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, WHICH LOT 15, BLOCK B WAS CONVEYED TO VILLAS ON WALNUT CREEK ASSOCIATION BY SPECIAL WARRANTY DEED DATED OCTOBER 29, 1991, OF RECORD IN VOLUME 11556 AT PAGE 606 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 4003 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a ½" iron rod found on the west line of a 7.50 foot wide public utility easement as shown on the plat or map of said The Villas On Walnut Creek for the northwest corner of said Lot 15, Block B, said point being on the east line of Lot 2 of Rundberg Terrace, a subdivision in the City of Austin according to the map or plat of record found in Volume 83 at Page 195B, of the Plat Records of Travis County, Texas, which Lot 2 was conveyed to Metal Optics Inc. by Warranty Deed dated August 25, 1993, of record in Volume 12007 at Page 1196 of the Real Property Records of Travis County, Texas;

THENCE with west line of said Lot 15, Block B, the west line of said 7.50 foot wide public utility easement, and the east line of said Lot 2, S27°47'29"W a distance of 81.82 feet to a calculated point on the north line of Lot 2, Metric Square, a subdivision in the City of Austin according to the map or plat of record found in Volume 87 at Page 128D, of the Plat Records of Travis County, Texas, which Lot 2 was conveyed to the City of Austin by Special Warranty Deed dated April 24, 2001, of record in Document Number 2001062307 of the Official Public Records of Travis County, Texas, same being the southwest corner of a 15 foot wide drainage easement as shown on the map or plat of said The Villas On Walnut Creek, for the southwest corner of said Lot 15 and the southwest corner hereof;

THENCE with the south line of said Lot 15, Block B, the south line of said 7.50 foot public utility easement, and the north line of said Lot 2, Metric Square, S56°37'47"E a distance of 7.04 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10108792.45, E=3120763.05, for the southwest corner and POINT OF BEGINNING hereof;

THENCE crossing said Lot 15, Block B, the following two (2) courses:

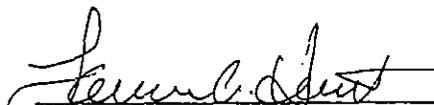
1. S64°02'30"E, a distance of 144.54 feet to a calculated point for an angle point hereof;
2. S56°35'54"E a distance of 142.40 feet to a calculated point on the east line of said Lot 15, Block B, same being the west line of Lot 15, Block A of said The Villas On Walnut Creek, for the northeast corner hereof;

THENCE with the east line of said Lot 15, Block B and the west line of said Lot 15, Block A, S27°47'29"W a distance of 18.66 feet to a calculated point for the southeast corner of said Lot 15, Block B, the southwest corner of said Lot 15, Block A, the northeast corner of said Lot 2, Metric Square, and the southeast corner hereof;

THENCE with the south line of said Lot 15, Block B, and the north line of said Lot 2, Metric Square, N56°37'47"W a distance of 287.55 feet to the POINT OF BEGINNING, containing 4003 square feet of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings (Texas Central Zone, NAD83(CORS), Combined Scale Factor 0.999924726). Project Reference Control Points are a 60d nail and a MAG nail set in Northgate Boulevard and having grid coordinates of N = 10108733.440, E = 3122007.046 and N = 10108192.523, E = 3121723.713. These points were established from and referenced to "Austin RRP" having coordinate values N = 10086515.853, E = 3109682.537 and "CB21" having coordinate values N = 10086964.040, E = 3129366.160.


Lawrence A. Hunt, RPLS 4328
Sunland Engineering Co.
1907 North Lamar, Suite 220
Austin, Texas 78705
512-494-0208

April 10, 2003



REFERENCES
TCAD#02-4411-0113
AUSTIN GRID K-31

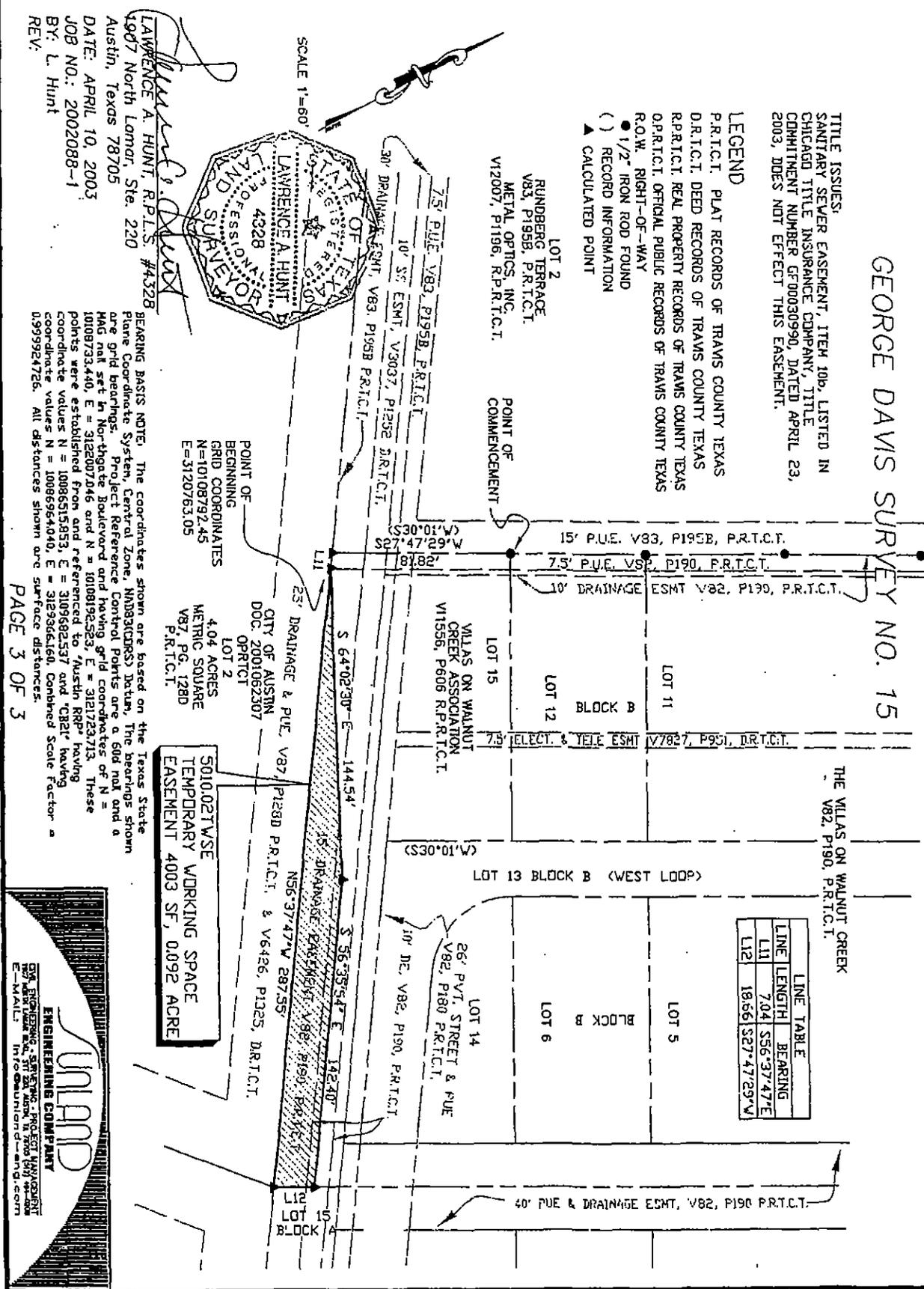
FIELD NOTES REVIEWED
By:  Date: 5-28-03
Austin Clean Water Program
Survey Coordinator

SKETCH TO ACCOMPANY DESCRIPTION

GEORGE DAVIS SURVEY NO. 15

TITLE ISSUES:
 SANITARY SEWER EASEMENT, ITEM 100, LISTED IN CHICAGO TITLE INSURANCE COMPANY, TITLE COMMITMENT NUMBER GF00030990, DATED APRIL 23, 2003, DOES NOT EFFECT THIS EASEMENT.

LEGEND
 P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY TEXAS
 D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY TEXAS
 R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS
 O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS
 R.O.W. RIGHT-OF-WAY
 ● 1/2" IRON ROD FOUND
 () RECORD INFORMATION
 ▲ CALCULATED POINT



LINE	LENGTH	BEARING
L11	7.04	S56°37'47"E
L12	18.66	S27°47'29"W

BEARING BASIS NOTE: The coordinates shown are based on the Texas State Plane Coordinate System, Central Zone, NAD83(CSRS) datum. The bearings shown are grid bearings. Project Reference Control Points are a 500' oak and a 100' oak set in Northgate Boulevard and having grid coordinates of N = 10108733.440, E = 3122007.046 and N = 1010192.523, E = 3121723.713. These points were established from and referenced to Austin RRP having coordinate values N = 10086515.853, E = 3109682.537 and CR2T having coordinate values N = 10086964.040, E = 3129364.160. Combined Scale Factor = 0.999924726. All distances shown are surface distances.

ENGINEERING COMPANY

 5010.021WSE TEMPORARY WORKING SPACE EASEMENT 4003 SF, 0.092 ACRE
 221 West Loop West, 11th Floor, Austin, TX 78701
 E-MAIL: info@smpandp.com

LAWRENCE A. HUNT, R.P.L.S. #4328
 1907 North Lamar, Ste. 220
 Austin, Texas 78705
 DATE: APRIL 10, 2003
 JOB NO.: 2002088-1
 BY: L. Hunt
 REV:

C:\sorkin\PROJ\CON\North\Galaxy Creek North.dwg\5010021WSE2.dwg May 22, 2003